App. F. IX-4 P 90E-K

Previous References. 1941. (RA) File No. 24-41

Serial Nos. 109

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for

SUBJECT.

Election petition from Sri R P. Palaksha, Davangere.

RL 1974 RA 24-41-109 dtd 16-3-42.

~~Extracts~~

To The compiler Mysore gazette

P. 35 (E.D.)

22/9/42

G. R. S. APP. F. III—1]

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES. File No.

FILE HEADING.

FROM The Election Commissioner Bangalore

No. RAE Mis 24 of 40-41 Dated 11. 10. 1941 Received

Diary No.	Encls.	Spare copies	Serial No.

BRIEF ABSTRACT OF LETTER

Forwg his report in R. A E 24 of 40-41, in the case filed by Mr. R. P. Palakshan challenging the elections of Messrs D. H. Chandrasekharaiya & Saunashivdara Chennabasappa to the R.A. from the Davanagere Jnl. Rural Constituency.

NOTES AND ORDERS.

Chennabasappa

Seen

1) This case relates to the election petition filed by Mr. R. P. Palakshan Merchant, Davanagere, ~~Contes~~ questioning the validity of the election of Messrs D. H. Chandrasekharaiya & Saunashivdara to the R. A. from the Davanagere taluk Jnl. (Rural) Constituency. During the course of the Proceedings Mr. D. H. Chandrasekharaiah, the first respondent in the case filed an application under the provisions

NOTES—First Sheet

WD 03983—GPB—500—16-9-41

Report of the Election Court. in
RA&S Mis 24 of 40-41

RA File No. 946/RE of 1941-42 | General and Revenue Secretariat

of rule 185 of the R. A. Rules, ~~[illegible]~~ stating his intention not to oppose the petition requesting permission to withdraw from the case. The Court permitted him to do so & amended the plaint accordingly.

The Court in his report dated 11. 10. 1941, has held that the notice of the Candidature of the petitioner Mr. Palakshan was not improperly rejected by the Returning Officer & dismissed the petition accordingly. Against this decision the petitioner has not filed an appeal to the High Court within the period of limitation allowed by the Rules.

P. U. D.

DEWAN'S OFFICE
No. 8080

A draft ~~Govt~~ Govt. order under rule 191 (2) of the R.A. rules, declaring that Mr. Sivanagowdara Channabasappa is duly elected Candidate to the RA is put up for Consideration.

DSO
16/3/42

As instructed, a revised draft G. O. is put up for appl.

BVM
16/3/42

DSO
18/3/42.

BVM
18/3

May be approved

BXR
18.3.42

SEC. TO GOVT.

Law Secy

May be approved

Dewan)

Hm
2
19.3.42

BXR
19.3.42

DSM
20/3/42

Hm
20/3/42

DSM BXR
20.3.42

946/M

Report of the Election Comm. in RE
Nil 24 of 1940-41

General and Revenue Secretariat
R. A. & L. C.

File No. of 194 .

[App. F. III-2

Serial No.

The Commissioner reports in RE-1974 RA 24-41-10 gazetted 24/3/42.

Declares that Mr. Saumadasa Chenuchanappa is the duly elected Candidate to the R.A. from the Davanagere rural Constituency

OFFICE OF PRESIDENT SECRETARY
20 JULY 1943
REPRESENTATIVE ASSEMBLY
26/27 JAN 1943
LEGISLATIVE COUNCIL

NOTE—Contn. Sheet.

WD 01925—GPB—1,000—4-3-41

R.A.24.41-108.

OF THE SECR

IN THE COURT OF THE ELECTION COMMISSIONER IN MYSORE, BANGALORE.

Dated this 4th day of October 1941.

Present:

C. NARAYANASWAMY NAIDU, ESQ., B.A.,B.L.,
Election Commissioner,

R. A. E. Mis. 24 of 1940-41.

Petitioner:- Vs. Respondents:-

Mr. R.P. Palakshan.

1. Mr. D.H. Chendrasekharaiah. (Withdrawn)
2. Mr. Sannegowdara Chennabasappa.

I. Petition filed under Rule 172 of the Mysore Representative Rules of 1940.

II. The petition was filed before Government on 9-4-1941 and the same was received in this Court on 19-4-1941.

III. The Second Respondent filed his objections on 26-6-1941 and the first respondent filed an application on 27-6-1941 under rule 185 of the Mysore Representative Rules, stating his intention not to oppose the petition. This fact was published in the Official Gazette and he was permitted to withdraw from the case and the petition was amended leaving out his name on 29-7-1941.

IV. The following issues were framed on 29-7-41:

(1) Was the notice of candidature of the petitioner improperly rejected on the grounds:-

(a) that he did not give the date of his birth though he mentioned his age in Column No:3?

(b) that he did not give his father's name in column No.2 correctly; and

(c)

(c) that he did not enter his Election Agent's number in the Electoral list to enable the Returning Officer to find out whether the agent was not disqualified?

(2) Was the Returning Officer bound to hold an inquiry on these points before rejecting the notice of candidature?

(3) Has not the second respondent properly filled up Column No.6 and does not his signature agree with the name entered in the Electoral Roll?

(4) To what relief, if any, is the petitioner entitled?

Arguments were heard on 4-10-1941.

Mr. M.P. Somasekhara Rao appeared for the Petitioner and Mr. G.C. Veerappa appeared for the Second Respondent.

R e p o r t.

1. The notice of candidature of the petitioner was rejected on the grounds:-

(a) that he did not give the date of his birth though he mentioned his age in Column No.3?

(b) that he did not give his father's name in Column No.2 correctly; and

(c) that he did not enter his Election Agent's number in the Electoral list to enable the Returning Officer to find out whether the agent was not disqualified.

2. The High Court has decided in Mis. Appeal No.12 of 41-42 that both the date of birth and the age should be entered in Column No.3 of the notice of candidature.

3. The notice of candidature was not therefore improperly rejected.

4. In view of this finding, it is not necessary

necessary to give a decision on the other issues.

5. The petitioner may be directed to pay Rs.50/- as costs to the Second Respondent.

6. I recommend accordingly.

Dictated to the Steno-typist and after revision signed.

ELECTION COMMISSIONER.

4-10-1971

NN.

Civil 108]

TITLE PAGE.

Class III. File S.C. to D.

In the Court of the Election commissioner, Bangalore.

Suit (or Case) No. R.A. & mis. 24 / 40-41 of

Name of first plaintiff (or applicant):—

Mr. R. P. Palakshan.

Name of first defendant (or opponent):—

Messrs. D. H. Chandrashekariah & another.

Date of decision 4-10-41

WD 02365—GPB—30,000—20-8-38

R. A. & Mis. 24 / 40-41.

Class III

File D. & C.

1 - 4.	order-sheets.	
5 - 6.	application.	2-00
7.	Try. Challan.	
8.	objection Statement of 2nd Respondent.	
9.	Issues.	
10.	~~Resignation~~ Application of 1st Respt. for withdrawal	
11.	Application of 2nd Respt. for additional Issues.	1-80
12-13.	Vakalats.	1-00
14-15	Docket to Compiler Mysore Gazette.	
17.	Court Notice.	
18.	Docket to The Dy. Commissioner, Chitaldrug.	
19.	Notification of Govt accepting The Resignation of 1st Respt.	
20.	copy application.	-1-0

Stamp on applicatn 2-00
Stamp on other papers 2-90

B-0.

Sheristedar.

R. P. Palaniyandi ... 1 D. A. Chandra Lekha
2 G. Lekhamanohara

Form No. 102,
Civil.

R A E P

ORDER SHEET

In the Court of The Election Commissioner. Bangalore

No.

R.A. Dis case No 24/1004 of 19

Versus

Serial No. of paper	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	9.5.04	R.A. - Election Petition General rural Constituency Davanagere Allowed with costs Petition filed by R.P. Palaniyandi on 9.4.04 and served Last date received on 19.4.04 Petn. prays that the order dated 1.3.04 in R.A. 10 dated 19.4.04 that the Election of respts. be set aside and fresh Election ordered Orders to Board parties & Gazette publication by 4.6.04.	
Comm. sent with this 23/1004	11/2/04		

WD 07232—GPB—1,55,000—5-7-40

P.T.O.

4 bk-41 petn by w. M.P.S. Rao files power.

1st Respt. } by w B.S. Patilasiddaiya
2nd Respondent } files power

Notice issued to Respondents 1 & 2 by post Served in person in the Court vide acknowledgments case nis 23/4/41 (vide acknowledgments in nis 23/4/41).

25 bk-41

Commissioner nis 23 4/41

the people being on casual leave. Case is posted for objections to 25 bk-41

By order

by
Sh 4/6/41

25 bk-41 petn by w M.P.S. Rao.

Respts 1 & 2 by w B.S. Patilasiddaiya

Objection.

Statement of I Respt

by Counsel

Case 25/6

26 bk-41 petn by w. M.P.S. Rao.

Respts 1 & 2 by w. B.S. Patilasiddaiya.

objection and statement of 1st Respt.

Respt.

duly of II Respt filed.

Stat. of I by Counsel

Case 26/6

Form No. 102, Civil.

ORDER SHEET

In the Court of [illegible] No. [illegible] of 19

Versus

Serial No. of paper	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
2	27/6/41	[illegible]	
		[illegible]	
		[illegible]	

RATE is 24 words

Objection of 1st Respondent is published in the Gazette of 3-7-1941 since he resigned his seat in the Representative Assembly —

Regd 29/7

Cus 167

29-7-41 Petn by Mr M.P.S.

Respdt No 1 by Mr D.S. Pulleyridge.

Mr Young heard

Mr T keeps your notice that he does not intend to oppose the petition as duly published in the Gazette. No one has appeared for being substituted. The first respdt remains sole respdt. The petition will be amended, leaving out his name

Petn to be amended.

Grounds proved

Regd on 2-8-41

Cus 26/

R.A. E. Mi 24/1944

3

Form No. 102, Civil.

ORDER SHEET

In the Court of The Election Commissioner in Mysore Bangalore

No.

of 19

Serial No. of paper	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
R.A II	18/8/44	petitioner by Mr M.P.S. Rao. II Respt by " Q.A Veeraiyya. The II Respondent files the application on 14.8.1944 under Order 6 Rule 17 C.P.C read with Order 14 Rule 5 & C.P.C Read with Rule 18 of the Representative Assembly Manual 1944 stating that he may be permitted to amend his statement by including the allegations mentioned in the application. To hear him on 22 Cus. 8 18	
		Petr by Mr. M.P.S.	
		II Resp by Q.C.V.	
		Petr by Mr. M.P.S.	
		II Resp by Q.C.V.	
		Elections.	Mr M.A.S Ranga Rao

The application is not
in order and liable to be
rejected. Office file may be seen
objection

Time to 15-9

Ans
5-9

15-9-41 petn by — M.P.S.
II nd Respondent by mg. C.V.

objection to I A II
Mr. A.C.V. does not
press it. Hence
rejected

Hearing upon 18-9
as the Insurance question
has appeared to have
been decided by the
High Court in Misc. 12
41-42

Ans
15-9

18-9-41 petn
2nd Respt } to

Copy of the petn has not been received
from the High Court yet
Hence await. 27-9 Ans
16-9

Form No. 102,
Civil.

ORDER SHEET

RAE Misc 24
40-41

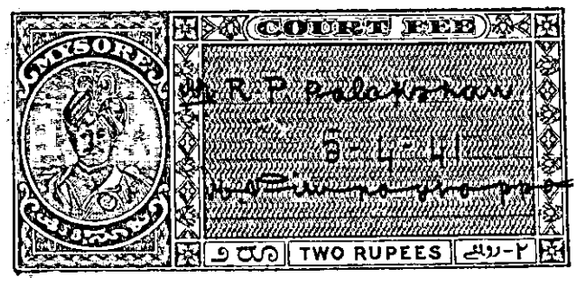
In the Court of

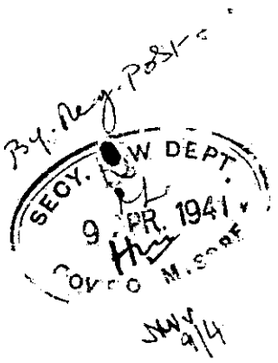
No.

of 19 .

Versus

Serial No. of paper	Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	27-9-41	Petr by Mr. ~~M P S~~ ale Respt by Mr: ~~G C V~~ ale Record of the Govt Misc 12. 41 42 is not received & Mr Counsel requests adjournment on 4-10-41. & Further Report	
	4-10-41	Petr by Mr. M.P.S. Resp by Mr. ~~G C V~~. ale Further arguments heard Report & Record Further Report	





2129/41

Challan for the fee for declaration Thankful 5/4

R.A. Co. Petn. No. 24/40-41

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Election Petition No. of 40-41.

Petitioner:	Opponents:
R.P. Palakshan, s/o Hanumappa alias Hanumanthappa, Merchant, DAVANGERE.	1. D.H. Chendrasekhariah, s/o Rudra Sastry, Advocate, DAVANGERE. 2. Gowdara ~~Sanna~~ Channa Basappa, Land Lord, Hirethogaleri Village, DAVANGERE TALUK.

R A E

nis 2

UNDER RULE 172 OF THE REPRESENTATIVE ASSEMBLY RULES 1940:

The petitioner abovenamed begs to state as follows:-

1. That he had duly filed his notice of candidature on 2nd January 1941 for election to the Representative Assembly during the recent elections from the Davangere Taluk General Rural Constituency his number in the Voters' list being 182.

2. That the said notice was rejected by the Returning Officer on the ground that the petitioner has not given the date of birth in his notice of candidature though correct age had been stated and that the father's name was wrongly entered and further that the number of the Election Agent in the voters' list had not been given in the notice of candidature.

3. That such rejection is erroneous and unsustainable for the reasons among others set forth in this petition.

4. That he did not state the date of birth at the time of presenting the application as references were not available. Further it is not necessary since the petitioner is clearly of a higher age than what is required under the Rules.

5- That the Returning Officer could have demanded the petitioner to satisfy him about the petitioner's age if he felt any doubt regarding the same.

6. That the petitioner's father is usually called either as Hanumappa or Hanumanthappa and both mean the same thing. The Returning Officer has erred in rejecting the notice of candidature on this flimsy ground especially when he has not felt any doubt about the identity of the person.

7. That it has nowhere been stated in the election Rules that the number of the Election Agent in the Voters' list should be entered in the notice of candidature.

8. That the opponents have not properly filled up column 6 in their notices of candidature. Further the 2nd opponent's name does not agree with the entry in the Electoral Roll.

9. That the rejection of the petitioner's notice of candidature and the acceptance of the notices of candidature of the opponents are therefore illegal and improper and based on misconception of the requirements of law.

10. That the powers vested in the Returning Officer under Rule 96 (1) (b) are only discretionary and not mandatory and that he has failed to use his discretion judiciously and properly.

11. That his petition is in time.

12. That the election held without the petitioner is liable to be set aside and petitioner therefore prays that the election of the opponents may be set aside and fresh election ordered.

13. The petitioner encloses herewith a Treasury Receipt No. 122 dated 4th April 1941 issued by the Taluk Treasury at Davangere for the deposit of rupees

rupees 100/- required by the Rules.

6

Davangere,
7th April, 1941

R. P. Palakshan
PETITIONER.

I, the petitioner abovenamed, do hereby solemnly declare and affirm that what is stated in paragraphs 1 to 13 is true to the best of my knowledge, information and belief and is stated on information which I believe to be true.

Davangere,
7th April, 1941

R. P. Palakshan.
PETITIONER.

8

In the Court of the Election Commissioners
~~BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA~~

~~OF MYSORE,~~ BANGALORE.

Filed in court
26/6/41

R. A. E. Mis No. 24 of 40 - 41

Petitioner:-- Opponent:--

R.P. Palaksha vs. 2. Sanne Gowdare Channabasappa

Objections by 2nd opponent by the Petitioner

1. The address given in the petition is not incorrect. In the notice of candidate he stated his father's name as Hanumanthappa and to bring forward a plea he has stated his father's name as Hanumappa alias Hanumanthappa. So the father's name given in the notice of candidature is false and the identity is not clear.

2. The petitioner has not duly filld up the notice of candidature. The rejection of petition on the ground of not giving the date of birth, is correct.

3. The contentions urged in paras 4 and 5 of the petition that the date of birth was not available that, that the returning officer could have satisfied himself etc are not tenable.

4) That the powers vested in the returning officer are mandatory and when the notice of candidature is not complete as contemplated by law, the returning officer was bound to reject the application.

5) It is absolutely necessary that the number

~~number~~ of election agent in the Voter's list is to be ~~given~~ in the notice of candidature or else, The returning officer will not be able to verify whether the name is in the list or not. In this particular case the name of the agent is not in the list.

8) The opponents have filled up column No. 6 in their notices of candidature properly.

9) The second opponents name ~~agrees with the name~~ in the notice of candidature does agree, with the name in the voters list. His number in the Voters list is 174, It is stated that "as Channabasappa Sonnagowdara " whereas in the notice of candidature the initials are put in the beginning as Sonna Gowdara Channabasappa. This does not make any difference.

Therefore the second opponent prays that the petition may be rejected with costs.

Bangalore City,
25th June 1941.

A.C. Veerappa.
Advocate for 2nd opponent

× ಶರಣಬಸಪ್ಪ ಸೊನ್ನಗೌಡರ
2nd opponent.

I, declare that what is stated above is true.

Bangalore City,
25th June 1941

× ಶರಣಬಸಪ್ಪ ಸೊನ್ನಗೌಡರ
2nd opponent.

9

IN THE COURT OF THE ELECTION COMMISSIONER IN MYSORE, BANGALORE.

R. A. E. Mis. No. 24 of 1940-41.

Petitioner:- Vs. Respondents:-

Mr. R.P. Palakshan. (1) Mr. D. H. Chandrasekhara (withdrawn)
(2) Sanna Gowdara Channabasappa

Issues.

1. Was the notice of candidature of the petitioner improperly rejected on the grounds:-

(a) that he did not give the date of his birth though he mentioned his age in Column No.3?

(b) that he did not give his father's name in Column No.2 correctly; and

(c) that he did not enter his Election Agent's number given in the Electoral list to enable the Returning Officer to find out whether the agent was not disqualified?

2. Was the Returning Officer bound to hold an inquiry on these points before rejecting the notice of candidature?

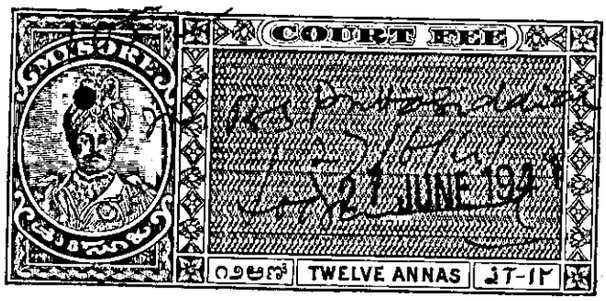
3. Has the second respondent properly filled up Column No.6 and does not his signature agree with the name entered in the Electoral Roll?

4. To what relief, if any, is the petitioner entitled?

ELECTION COMMISSIONER.

29/7/41

NN.



XV
156
27-6-41

IN THE COURT OF THE ELECTION COMMISSIONER,

BANGALORE.

R.A.E. 24 of 1940 - 1941.

Petitioner: R. P. Palakshan.

-Vs-

Respondents: (1). D. H. Chandrasekhariah and another.

---

under Sec 18(1) of the R.A. Manual.

The 1st Respondent begs to state as follows:-

That he has tendered his resignation for his seat in the Representative Assembly on account of his being appointed as the President of the Legislative Council.

Therefore the 1st Respondent prays that he may be permitted to withdraw from the case without costs.

Bangalore. D. H. Chandrasekharayya

26/6/1941. 1st RESPONDENT.

D.S. Puttaraiddiah.
G.C. Veerappa
Advocates for 1st Respondent.

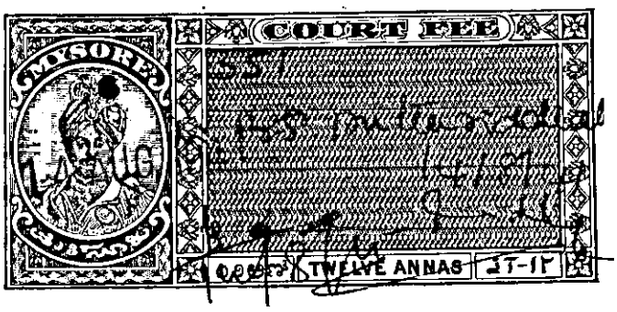
Verification:-

The 1st Respondent named above do hereby declare that what is stated above is true to the best of my knowledge and belief.

Bangalore, D. H. Chandrasekharayya

26/6/1941. 1st RESPONDENT.

XV 69
14-8-41



HP 2/9/41

IN THE COURT OF THE ELECTION COMMISSIONER,

BANGALORE.

R.A.E.Petition, Mis.No.~~24~~ 24 of 40-41.

B Counsel
A 7012-0
9
14/8/41

D.A. No 4
Vide order Sheet
CC
CC
18/8/41

-:Petitioner:- -:Respondent:-

R.P.Palakshan, -Vs.- 2. Sannegowdara Channabasappa.

Under Order 6, Rule 17; Order 14, Rule5 of Civil Procedure Code read with Rule 181 of the Election Rules, the respondent begs to state as follows:-

1. The Petitioner has come up to this Hon'ble Court in appeal against the order of rejection of notice of candidature and the respondent has filed his objections for the same stating that the rejection order is valid since the petitioner has not given his father's name correctly, and not filled in Column No.6 and not given the date of birth, but there is also another point on which the notice of candidature is also invalid.

2. There is no proper decleration by the candidate in respect of the appointment of Agent as contemplated in Section 92. There should be a decleration accompanying the notice of candidature to the effect that the agent is not disqualified under the provisions of any of the Election Rules from being a member of the Assembly or the Council

Council or from voting at Elections. The declaration should also state that the agent is not disqualified under any of the rules framed under Corrupt practices. Absence of a decleration as stated above invalidates the notice of candidature.

3. This is a pure question of Law. The respondent prays that he may be allowed to amend his statement by including the above objection and also an additional issues may be framed in respect thereof.

B.S. Puttaniddiah.
Adv. for 2nd Respdt.
14/8/41

Bangalore,
11th August 41.

ಪ್ರತಿವಾದಿಯ ಪರವಾಗಿ ಬರೆದವರು
RESPONDENT.

I, the petitioner, do hereby solemnly declare that what is stated above from paras 1 to 3 are true to the best of my knowledge and belief.

Bangalore,
11th August, 1941.

ಪ್ರತಿವಾದಿಯ ಪರವಾಗಿ ಬರೆದವರು
Respondent.

XV
76/4-6-41

MYSORE COURT FEE EIGHT ANNAS

In The Court of The Election Commissioner
ಕೋರ್ಟಿನಲ್ಲಿ.
Mysore & Bangalore

O. S. ——— S. C. Ex. ——— Mis. 24
40-41.

Petitioner
ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್

Respondents
ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್.

R. P. Palakshan

V.S.

V. H. Chandrashekaraiya
& Channegowdara
Channabasappa.

G. C. Veerappa B.A. LL.B. & B. S. Puttasiddaiah
ನ್ಯಾಯವಾದಿ ಅಡ್ವೋಕೇಟ್ ಡಿ. ಎಚ್. ಚಂದ್ರಶೇಖರಯ್ಯ
ಬಿ.ಎ.ಎಲ್.ಎಲ್.ಬಿ. ಇವರಿಗೆ
B.A. LL.B. Advocate

Respondents ವಾದಿ ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮ.

ಮೇಲ್ಕಂಡ ನಂಬರ್ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನಮ್ಮ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ವಿವಾದಿಸಿ ಫೈಸಲ್‌ಮಾಡುವತಕ್ಕ ಬಗ್ಗ್ಯೆ, ಈ ಮೊಕದ್ದಮೆಗೆ ಸಮ್ಬಂಧಪಟ್ಟ ವಿಶಿಷ್ಟ ನಡವಳಿಕೆಗಳ ವಿಷಯದಲ್ಲೂ ಅರ್ಜಿ ವಗೈರೆ ಕೊಡುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನಮಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರೀ ಮೊಬಲಗು, ಖರ್ಚು ಮೊಬಲಗು ಸಹ ಪಡೆದು ಕೊಂಡು ರಸೀದಿಕೊಡುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನಮಗಾಗಿ ವಾಪಾಸು ಆಗುವ ದಾವಾಸ್ತಾಂಪು, ಪ್ರೊಸೆಸ್ ಸ್ಟಾಂಪು ಸಹ ಪಡೆದುಕೊಳ್ಳುವುದಕ್ಕೂ ಮತ್ತು ನಮ್ಮ ಬಾಬತು ವಿಶಿಷ್ಟ ದಸ್ತಾವೈಜು ವಗೈರೆಗಳನ್ನು ಕೋರ್ಟಿನಿಂದ ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೂ ಸಹ ಈ ಮೂಲಕ ತಮಗೆ ಅಧಿಕಾರಕೊಟ್ಟು ಇರುತ್ತೇನೆ. ಈ ವಿಷಯದಲ್ಲಿ ತಾವು ಅಥವ ತಮಗೋಸ್ಕರ ನುತ್ಯಾವ ಅಯರಾಗಲೀ ನಡೆಸುವ ಕೆಲಸಗಳನ್ನೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿರುವಂತೆ ಒಪ್ಪಲೂ ಇದರಿಂದ ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

ತಾ. 2. 6. 1941 } ರುಜು ಕನ್ನಡದಲ್ಲಿ ಆಕ್ಷರಗಳಲ್ಲಿ

V. H. Chandrashekaraiya

ಈ ಮೊಕ್ತ್ಯಾರನಾಮೆ ಕೊಟ್ಟವರು ನನ್ನ ಪರಿಚಯಸ್ಥರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜುಮಾಡಿರುವುದರಿಂದ ನಾನು ಸರ್ಟಿಫೈಮಾಡಿರುತ್ತೇನೆ.
B. S. Puttasiddaiah
2/6/41.

ಈ ಮೊಕ್ತ್ಯಾರನಾಮ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ.
B. S. Puttasiddaiah 4/6/41.
G. C. Veerappa 4/6/41

ಶ್ರೀ ಜಯದೇವ ಪ್ರೆಸ್, ದಾವಣಗೆರೆ.

13

4-6-41

XV

75 / 4-6-41

In the Court of the Election Commissioner in Mysore Bangalore. ಕೋರ್ಟಿಗೆ.

R. A. E. Petn

1941-1941 ನೇ ಇಸವಿ ಮಿ. 24 ನಂಬರು

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್ ಯಾ ಫಿರ್ಯಾದಿ. ಪ್ರತಿವಾದಿ ಯಾ ರೆಸ್ಪಾಂಡೆಂಟ್ ಯಾ ಅಪರಾಧಿ.

R. P. Palakshan | I. D. K. Chandrashekar

ಮಾನ್ಯರಾಗಿ ಹೆಚ್. ಸಿದ್ದವೀರಪ್ಪ, ಬಿ. ಎ. ಎಲ್ ಎಲ್. ಬಿ., ಅಡ್ವೊಕೇಟ್,
ದಾವಣಗೆರೆ ಇವರಿಗೆ.

Mr Somashekara Rao V Vakil Sagar Mysore

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮ

ಮೇಲ್ಕಂಡ ನಂಬರ್ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ವಿವಾದಿಸಿ ಫೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಯೂ, ಈ ಮೊಕದ್ದಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಶಿಷ್ಟ ನಡವಳಿಕೆಗಳ ವಿಷಯದಲ್ಲೂ ಅರ್ಜಿ ವಗೈರೆ ಕೊಡುವು ದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರಿ ಮೊಬಲಗೂ, ಶಿಲ್ಕು ಮೊಬಲಗೂ ಸಹ ಪಡೆದುಕೊಂಡು ರಸೀತಿ ಕೊಡುವು ದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಗಾಗಿ ವಾಪಸು ಆಗುವ ದಾವ ಸ್ಟಾಂಪು ಪ್ರೊಸೆಸ್ ಸ್ಟಾಂಪು ಮತ್ತು ಇತರೆ ಸ್ಟಾಂಪು ಸಹ ಪಡೆದು ಕೊಳ್ಳುವುದಕ್ಕೂ ಮತ್ತು ನನ್ನ ಬಾಬ್ತು ವಿಶಿಷ್ಟ ದಸ್ತಾವೈಜು ವಗೈರೆಗಳನ್ನು ಕೋರ್ಟಿನಿಂದ ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೂ ಸಹ ಈ ಮೂಲಕ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟು ಇರುತ್ತೇನೆ. ಈ ವಿಷಯದಲ್ಲಿ ತಾವು ಅಥವಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ನಡೆಸುವ ಕೆಲಸಗಳನ್ನೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿರುವಂತೆ ಒಪ್ಪಲು ಇದರಿಂದ ಬದ್ಧನಾಗಿ ಇದೇನೆ.

ತಾ. 27-5-41 ರುಜು. × R. P. Palakshan
Davangere.

ಈ ಮೊಕ್ತ್ಯಾರ್ ನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜುಮಾಡಿರುವುದರಿಂದ ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿರುತ್ತೇನೆ.
H. Siddaveerappa
Advocate.
Davangere

ಈ ಮೊಕ್ತ್ಯಾರ್ ನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದೇನೆ.
H. Siddaveerappa
Mr Somashekara Rao
Vakil Sagar Mysore

ದೀಕ್ಷಿತ್ ಪ್ರೆಸ್, ದಾವಣಗೆರೆ.

28th June 1941

14

The Compiler,
Mysore Gazette,
Bangalore.

Sir,

I have the honour to request that the accompanying notification may kindly be published in the next issue of the Official Gazette.

I have the honour to be,

Sir,

Your most obedient servant,

Election Commissioner.

IN THE COURT OF THE ELECTION COMMISSIONER IN MYSORE,

BANGALORE.

A. E. Mis. 24 of 1940-41.

Petitioner:- Vs. Respondents:-

Mr. R.P. Palakshan, son of Hanumappa alias Hanumanthappa, Merchant, Davangere.

1. Mr. D.N. Chendrasekhariah, son of Rudra Sastry, Advocate, Davangere.
2. Mr. Sannagowdara Chennabasappa, Land lord, Hirethogalcri village, Davangere Taluk.

The first respondent having resigned his seat in the Representative Assembly, has given notice that he does not intend to oppose the petition. Notice of the same is published under Rule 185 of the Representative Assembly Rules.

Election Commissioner.

Ub

IN THE COURT OF THE ELECTION COMMISSIONER IN MYSORE,

BANGALORE.

P. A. E. Mis. 24 of 40-41.

Petitioner:- Vs. Respondents:-

Mr. P.P. Palakshan, son of Hanumappa alias Hanumanthappa, Merchant, Davangere.

1. Mr. D.H. Chendrasekhariah, Son of Rudra Sastry, Advocate, Davangere.

2. Mr. Sannagowdara Channabasappa, Land lord, Hirethogaleri village, Davangere Taluk.

The first respondent having resigned his seat ~~sent~~ in the Representative Assembly, has ~~filed an appli-~~ given notice that he does not intend to oppose the petition ~~cation for withdrawing his objection in the above case.~~

Notice of the same is ~~hx~~ published under Rule 185 of the Representative Assembly ~~Manual~~ Rules ~~for the information of the parties concerned.~~

Election Commissioner.

Notice to show cause.
General Form.
Form No. 71 (Civil).

IN THE COURT OF The Dist. Ist Commissioner AT Bangalore.
R.A. No. petition

Misc.
SUIT No. 24 OF 1940–1941.

R. P. Palakshan,
S/o Hanuma appa alias Hanumantappa, Hereditary Daivana ... Applicant } vs. { ... Opponent

To The petitioner and Respondents

Whereas the abovenamed petitioner has made an application to the Court that as per affidavit enclosed herewith.

You are hereby warned to appear in this Court in person or by a Pleader duly instructed on the 4th day of June 1941, at 11 o'clock in the forenoon, to show cause against the application, failing wherein, the said application will be heard and determined *ex parte*.

Given under my hand and the seal of the Court, this 16th day of May 1941.

120.

Hanumappa

WD 04089—GPB—4,600—23-9-39

Gen(Jud) 81
40-41
ENC.

(PETITION UNDER THE CONSTITUTION)

IN MYSORE, BANGALORE, DATE 20-6-1941

21

18

From

The Election Commissioner,
New Public Offices,
B A N G A L O R E.

To

The Deputy Commissioner,
Chitaldrug District,
C H I T A L D R U G.

Sir,

Re: Mis No. 24 of 40-41 (Davanagere General Constituency)

PETITIONER:

Mr. E.P. Palakshan

RESPONDENTS:

1. M/s. D.H. Chandrasekhari

2. Sanna Jowdara Channa Basappa.

— 2222 —

I have the honour to request that the documents mentioned in the margin relating to the above mentioned Election Petition filed in connection with the Representative Assembly may kindly be sent to this Court at an early date.

I have the honour to be

Sir,

Your most obedient servant

Election Commissioner.

1. Notices of candidature presented by the Petitioner and Respondents. 9
2. Orders passed by the Returning Officer on them.
3. The connected Electoral Roll
4. Other connected papers.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No.No.Rl.6162/R.A.96-40-4 General and Revenue Secretariat,

Dated Bangalore, ...7th June 194 1

NOTIFICATION

19.

The Dewan is pleased to accept the resignation of Mr. D.H.Chandrasekharaiya, B.A., LL.B., of his office of member of the Representative Assembly.

By Order,

Sd/- H.V.Narayana Rao,
Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette for publication in part IV of the Gazette and supply of 25 copies to the Secretariat.

Memo No. Rl.6164, dated 7th June 1941.

Copy of the above is forwarded with compliments to the Election Commissioner in Mysore, Bangalore, for information.

By Order,

M N Narasaraj Urs

For Secretary to Government,
Law Department.

JSR

H 113
9-6-41

-9 JUNE 1941 by post

Bring up with records
in Mis 23/41 24/ in which
he is to respond Bs/15.

9/6/41

In the Court of the Election
Commissioner at Bangalore

XV
44
30/7/41

R. A. E No petition 24 of 1941

By AC
A 7-0-0

petitioner vs Respondent 4/0-2-0 cl
4/30/7/41

C R
28
40-41

R. P. Balakhan 2) Sannegowdara
Channabasappa

Copy application

The 2nd Respondent prays for
a copy of issues framed in the
case, and the notice of Candidature
of the petitioner
and the order of the returning
Officer thereon on 4/1-20 sheets
are produced.

Bangalore.
30/7/41

G. C. Veerappa
30/7/41

Allowed for
2 Respondent
and 1/0-2-0

Called for 2/0-3-0 Sheets on.
31/7

Filed to come on
8/8

1.0 procedure by 8/8

Agreed to Come on 18/8/41
4.8 Copy ready on 18/8/41

Supplied 2/0-3-0 Sheets & 1/0-2-0
Sheet on 4/8/41

NOTIFICATION

Orders by the Government of His Highness the Maharaja under the provisions of Rule 191 of the Representative Assembly Rules, 1940, in respect of R.A.E. Mis 24 of 40-41 on the file of the Election Commissioner.

WHEREAS Mr./Messrs. D. H. Chandrasekhariah and Mr. Sannafowdara Chennabasappa were declared by the Returning Officer, under sub-rule 8(1) of Rule 101 of the Representative Assembly Rules, 1940, to have been duly elected as a member of the Representative Assembly from the Davanagere General Rural Constituency;

AND WHEREAS an election petition was duly presented to Government under clause (a) of sub-rule (1) of Rule 172 of the aforesaid Rules by Mr. R. P. Palaksham, Merchant, Davanagere, a candidate for the said constituency;

AND WHEREAS the Government of His Highness the Maharaja in exercise of the powers conferred by the provisions of sub-rule (1) of Rule 178 of the Representative Assembly Rules, 1940, by Notification No.3834-C.B.161-40-10, dated 16th April 1941, appointed Mr. C. Narayanaswamy Naidu B.A., B.L., as Election Commissioner, for the trial of election petitions and by Notification No.R.L.3478-R.A.113-40-3, dated 18th ~~August~~ April 1941, transferred this petition to the said Commissioner for a report in accordance with the provisions of Rule 178 of the aforesaid rules;

And whereas the 1st respondent Mr. D.H.Chandrasekharaiya, having filed an application under rule 185 of the R.A.Rules, 1940, expressing his intention not to oppose the petition and the Election commissioner permitted him to withdraw from the case and amended the petition accordingly;

AND WHEREAS the said Election Commissioner has in accordance with the provisions of sub-rule (3) of Rule 188 of the aforesaid rules, forwarded to Government his report dismissing the petition;

NOW THEREFORE the Government of His Highness the Maharaja in exercise of the powers conferred by sub-rule (2) of Rule 191 of the aforesaid rules, are hereby pleased, in accordance with the report of the Election Commissioner, to declare that Mr. Sannagowdara Chennabasappa ..... the returned candidate has been duly elected to the Representative Assembly from the Davangere ..... General Rural Constituency and to order further that the petition be dismissed and that the Petitioner ..... Mr. R. P. Palakshan ..... shall pay ~~Mr. Sannagowdara~~ Rs 50 (Rupees Fifty only) as costs awarded in the Election Commissioner's Court to the respondent Mr. Sannagowdara Chennabasappa

By Order,

Secretary to Government,
Law Department.

DBN
6/3/42

To

The Compiler, Mysore Gazette, for publication in Part III of the Gazette and for applying 25 copies to the Secretariat.

Memo No.

Copy of the above is forwarded with compliments to

1. D.C. Chitaldrug District,
2. Secretary, R.A. & L.C.,

for information.

By Order,

For Secretary to Government,
Law Department.

DBN 16/3/42

BNN
16/3

No. R.L. 1974/R.A. 24-41-109.

NOTIFICATION.

Orders by the Government of His Highness the Maharaja under the provisions of Rule 191 of the Representative Assembly Rules, 1940, in respect of R.A.E.Mis. 24 of 40-41 on the file of the Election Commissioner.

12 Copies

WHEREAS Messrs. D.H.Chandrasekharaiya, Advocate, Davangere, and Sonnagowdara, Channabasappa, were declared by the Returning Officer, under sub-rule (1) of Rule 101 of the Representative Assembly Rules, 1940, to have been duly elected as members of the Representative Assembly from the Davangere General Rural Constituency;

AND WHEREAS an election petition was duly presented to Government under clause (a) of sub-rule (1) of Rule 172 of the aforesaid Rules by Mr. R.P. Palakshan, Merchant, Davangere, -- a candidate for the said constituency;

AND WHEREAS the Government of His Highness the Maharaj in exercise of the powers conferred by the provisions of sub-rule (1) of Rule 178 of the Representative Assembly Rules, 1940 by Notification No.3834-C.B.161-40-10, dated 16th April 1941, appointed Mr. C. Narayanaswamy Naidu, B.A. B.L., an Election Commissioner, for the trial of election petitions and by Notification No.R.L.3478-R.A.113-40-3, dat 18th April 1941, transferred this petition to the said Commissioner for a report in accordance with the provisions of Rule 178 of the aforesaid rules;

AND WHEREAS the 1st respondent Mr. D.H. Chandrasekharaiya having filed an application under rule 185 of the Representative Assembly Rules, 1940, expressing his intention not to oppose the petition and the same was accepted by the Commissioner and Mr. D.H.Chandrasekharaiya was permitted to withdraw from the case and the petition was amended accordingly;

AND WHEREAS the said Election Commissioner has in accordance with the provisions of sub-rule (3) of Rule 188

of the aforesaid rules, forwarded to Government his report dismissing the petition;

NOW THEREFORE the Government of His Highness the Maharaja in exercise of the powers conferred by sub-rule (2) of Rule 191 of the aforesaid rules, are hereby pleased, in accordance with the report of the Election Commissioner, to declare that Mr. Sannagowdara Channabasappa the returned candidate has been duly elected to the Representative Assembly from the Davangere General Rural Constituency and to order further that the petition be dismissed and that the Petitioner Mr. R.P. Palakshan, : shall pay Rs.50/- as costs awarded in the Election Commissioner's Court to Mr. Sannagowdara Channabasappa.

By Order,

BKR 18.3.42

19.3.42
Secretary to Government,
Law Department.

DSR 18/3/42

To--The Compiler, Mysore Gazette, for publication in Part III of the Gazette and for supplying 25 copies to the Secretaria

Memo: No. R.L. 1975 and R.L. 1976.

Copy of the above is forwarded with compliments to

(1)D.C. Chitaldrug District,

(2) Secretary, R.A. & L.C:

for information.

By Order,

BKR

For Secretary to Government,
Law Department.

HKR.

DSR 18/3/42

BKR 18/3..

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

No. R.L. 1974/R.A.24-41-109. Dated, Bangalore, 24th March 1942.

NOTIFICATION.

Orders by the Government of His Highness the Maharaja under the provisions of rule 191 of the Representative Assembly Rules, 1940, in respect of R.A.E. Mis.24 of 40-41, on the file of the Election Commissioner.

WHEREAS Messrs. D.H.Chandrasekharaiya, Advocate, Davangere, and Sannagowdara Channabasappa were declared by the Returning Officer, under sub-rule (1) of rule 101 of the Representative Assembly Rules, 1940, to have been duly elected as members of the Representative Assembly from the Davangere General Rural Constituency;

AND WHEREAS an election petition was duly presented to Government under clause (a) of sub-rule (1) of rule 172 of the aforesaid rules by Mr. R.P.Palakshan, Merchant, Davangere, a candidate for the said constituency;

AND WHEREAS the Government of His Highness the Maharaja, in exercise of the powers conferred by the provisions of sub-rule (1) of rule 178 of the Representative Assembly Rules, 1940, by Notification No.3834-C.B.161-40-10, dated 16th April 1941, appointed Mr. C.Narayanaswamy Naidu, B.A., B.L., as Election Commissioner, for the trial of election petitions and by Notification No. Rl.3478-R.A.113-40-3, dated 18th April 1941 transferred this petition to the said Commissioner for a report in accordance with the provisions of rule 178 of the aforesaid rules;

AND WHEREAS the 1st respondent Mr. D.H.Chandrasekharaiya having filed an application under rule 185 of the Representative Assembly Rules, 1940, expressing his intention not to

oppose the petition and the same was accepted by the Commissioner and Mr. D.M.Chandrasekharaiya was permitted to withdraw from the case and the petition was amended accordingly;

AND WHEREAS the said Election Commissioner has, in accordance with the provisions of sub-rule (3) of rule 188 of the aforesaid rules, forwarded to Government his report dismissing the petition;

NOW, THEREFORE, the Government of His Highness the Maharaja, in exercise of the powers conferred by sub-rule (2) of rule 191 of the aforesaid rules, are hereby pleased, in accordance with the report of the Election Commissioner, to declare that Mr. Sannagowdara Channabasappa, the returned candidate, has been duly elected to the Representative Assembly from the Davangere General Rural Constituency and to order further that the petition be dismissed and that the petitioner Mr. R.P.Palakshan shall pay Rs.60/- as costs awarded in the Election Commissioner's Court to Mr. Sannagowdara Channabasappa.

By Order,

Sd/- H.V.Narayana Rao,

SECRETARY to GOVERNMENT,
Law Department.

The Compiler, Mysore Gazette, for publication in part III of the gazette and supplying 25 copies to the Secretariat.

Memo No. R.L. 1975 and R.L.1976. Dated, Bangalore, 24th March 1942.

Copy of the above is forwarded with compliments to the D.C., Chitaldrug and the Secretary, R.A. & L.C., for information.

By Order,

B.K.Ramakrishnaya

For Secretary to Government,
Law Department.

Dbr

Bs/12.